

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SPINE SOLUTIONS, INC., a
Delaware corporation,

Plaintiff,

v.

MEDTRONIC SOFAMOR DANEK, INC.,
an Indiana corporation;
MEDTRONIC SOFAMOR DANEK USA,
INC., a Tennessee corporation,

Defendants.

Case No. 07-cv-02175-JPM-dkv

FILED IN OPEN COURT
DATE: 12/5/08
TIME: 4:25PM
INITIALS: JPW

JURY VERDICT FORM

We, the jury in the above entitled action, find the following special verdict on the following questions submitted to us:

Question No. 1

As to each of the following claims in the '071 Patent, has Medtronic proven, by clear and convincing evidence, that the claim you are considering is invalid due to obviousness?

A "Yes" answer below is in favor of the Medtronic defendants.
A "No" answer below is in favor of Spine Solutions.

Claim 1	Yes _____	No <u>✓</u> _____
Claim 2	Yes _____	No <u>✓</u> _____
Claim 6	Yes _____	No <u>✓</u> _____
Claim 7	Yes _____	No <u>✓</u> _____
Claim 11	Yes _____	No <u>✓</u> _____
Claim 13	Yes _____	No <u>✓</u> _____

If you answered "Yes" for all of the claims of the '071 patent above, then skip the remaining questions, sign the Special Verdict Form, and inform the Court Security Officer that you have finished deliberating. If you answered "No" for any of the claims of the '071 patent above, then proceed to Question No. 2.

Question No. 2

(a) Has Spine Solutions proven by a preponderance of the evidence that it is entitled to damages in the form of lost profits?

Yes ✓ No

If you answered "Yes" for Question No. 2, then proceed to Question No. 3. If you answered "No" to Question No. 2, then skip Question No. 3 and answer Question No. 4.

Question No. 3

Applying the preponderance of the evidence standard, what is the amount of lost profit damages to which Spine Solutions is entitled?

\$ 5,783,246

Question No. 4

Excluding the Medtronic infringing sales for which you awarded lost profits, what amount, if any, of Medtronic infringing sales has Spine Solutions proven by a preponderance of the evidence? (If you did not award any lost profits, you must include all of Medtronic's infringing sales.) Remember you may consider transactions only for the period August 30, 2005 to December 31, 2007.

\$ 9,131,563

Question No. 5

Applying the preponderance of the evidence standard, what is the percentage of reasonable royalty damages to which Spine Solutions is entitled?

% 18% reasonable royalty rate

Based on your answers to Questions 4 and 5, the Court will determine the total royalties owed, if any, by the following formula:

		\$ _____	reasonable royalty base
(multiply by)	x	% _____	reasonable royalty rate
(equals)	=	\$ _____	total

Keep in mind that you may not award duplicate damages (that is, if you have already awarded lost profits, no royalties are due on sales as to which you have awarded lost profits).

Question No. 6

Has Spine Solutions proven, by clear and convincing evidence, that Medtronic's infringement of the '071 patent has been willful?

Yes ✓

No _____

Presiding Juror: Barbara Z. Fisher Date: 12-5-08

After the presiding juror signs, then each juror should also sign, indicating agreement to each verdict (i.e., each answer) in the verdict form.

Barbara Z. Fisher

Jamela Lewis

Kell. Herd

Catharine Emery

Jonathan T. Mulder

[Signature]

Manny Taylor

M. Abdalla

Willie Yonny

Addie Willis